

REMARKS

Status of Application

Claims 8-12 are all the claims pending in the Application.

Claim Rejections - 35 U.S.C. § 103

Claims 8-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,594,640 B1 to Postrel (“Postrel”) in view of U.S. Patent No. 6,119,229 to Martinez et al. (“Martinez”), U.S. Patent No. 4,268,715 to Atalla (“Atalla”), and U.S. Patent App. Pub. No. 2001/0032252 A1 to Durst, Jr. et al. (“Durst”). This rejection is traversed for at least the following reasons.

Claim 8 requires the following:

secret identification information updating means for updating secret identification information stored in the first database in association with the point information when the point information stored in the first database is updated by the point information updating means;

Thus, claim 8 recites a specific condition for updating the secret identification information, i.e., when the point information is updated. The Examiner contends that Atalla teaches the above-quoted element of claim 8, but Atalla fails to teach or suggest this specific requirement.

The Examiner cites col. 3, lines 45-48 as allegedly teaching these aspects of claim 8, and contends that the functionality of Atalla is equivalent to that of claim 8. (Office Action at 5.) However, the cited portion of Atalla states that it “update[s] the identifier code ID and the random number RN in storage files each time a proper verification of user is established.” (emphasis added.) This is clearly a different condition from that of claim 8, namely, “when the point information stored in the first database is updated.”

Furthermore, since the “point information” of claim 8 must be updated as a condition of updating the secret identification information, this condition ties the point information and the secret identification information together in a synergistic relationship. Accordingly, it is improper for the Examiner to combine Postrel and Atalla in order to separately teach “point information” and updating “secret identification information.”

Moreover, claim 8 requires that the “secret identification information [is] stored in the first database in association with the point information.” Atalla fails to teach or suggest that secret identification information is updated when any associated information in the same database is updated, much less “point information.” To reiterate, Atalla only appears to teach that an ID and random number are updated “each time a proper verification of user is established.”

A further synergistic effect exists in the relationship between the manner in which claim 8 updates the secret identification information and the manner in which it returns the secret identification information when a point inquiry request is received. Because the secret identification information is specifically updated “when the point information . . . is updated,” points may not be transferred, and point information cannot be updated again, until a further point inquiry request is made. This is because claim 8 requires that “the secret identification information included in the point transfer request . . . matches the secret identification information stored in the first database.” In other words, after secret identification information is updated, a requester must first obtain current secret identification information via a point inquiry request, in order that the current secret identification information may be provided with a point transfer request.

None of the cited references teach or suggest this synergistic effect. Further, the combination of Postrel, which merely appears to teach “point information” alone, with Atalla, which merely appears to teach updating an ID and a random number in a manner different from claim 8, fails to teach or suggest this effect. Moreover, it is improper to combine multiple references in order to separately teach features which interact to create a synergistic effect, such as that explained above. Finally, even if the references are combined as suggested by the Examiner, the combination is unable to achieve the effect explained above.

Since the Examiner appears to rely upon official notice, we would also respectfully request that the Examiner provide references in support of the argument, as the MPEP clearly states that “[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” MPEP § 2144.03[A].

Thus, Postrel, Martinez, Atalla, and Durst, alone or in combination, fail to teach or suggest each and every required element of claim 8. Moreover, the combination is improper when asserted in order to teach separate features which interact to create a synergistic effect. These references, therefore, fail to render claim 8 unpatentable. Accordingly, we would respectfully request that the Examiner withdraw the rejection of independent claim 8 and its dependent claim 9.

Independent claims 10-12 recite features similar to those of claim 8. These claims are, therefore, also patentable at least for reasons analogous to those set forth above with respect to claim 8. Accordingly, we would also respectfully request that the rejection of claims 10-12 be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Amendment is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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